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Filed

JUL 14 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 No. CR 10-00562 LHK
15 UNITED STATES OF AMERICA,)
16 Plaintiff,)
17 v.)
18 THOMAS JOSEPH O'MEARA,)
19 Defendant.)

20 This matter is currently set for change of plea or further status on July 25, 2012 at 9:00
21 a.m. The parties have reached a disposition in this matter, and anticipate that the defendant will change
22 his plea and plead guilty pursuant to a proposed plea agreement at the next appearance before this Court.
23 The defense has indicated a preference that defendant's change of plea be continued a week so as to take
24 place on Wednesday, August 1, 2012 at 9:00 a.m. On the understanding that August 1st date is
25 convenient for this Court, the government does not object to the defendant's guilty plea taking place on
26 that date. The government would object to the defendant's guilty plea taking place any later than August
27 1st, and the defense has committed to the government that it will not seek any such continuance.

28 In light of the above, the parties agree, and the Court finds and holds, as follows:

STIPULATION AND [PROPOSED] ORDER
CR 10-00562 LHK

1. The current July 25, 2012 hearing date is hereby vacated.
2. This matter is set for change of plea on August 1, 2012, at 9:00 a.m.
3. The time between July 25, 2012 and August 1, 2012 is excluded under the Speedy Trial
Act. The parties agree that the failure to grant the requested continuance would unreasonably
deny defense counsel reasonable time necessary for effective preparation, taking into account the
exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of
justice served by granting the requested continuance outweigh the best interest of the public and
the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. §
3161(h)(8)(A).

10 SO STIPULATED:

11 DATED: 7/24/12

/s/
JEANE DEKELVER
Defense Counsel

14 DATED: 7/24/12

/s/
JOSEPH FAZIOLI
Assistant United States Attorney

16 IT IS SO ORDERED.

17 DATED: _____

LUCY H. KOH
UNITED STATES DISTRICT JUDGE

19 DENIED -

20 Court will not find excludable time based on
21 calendaring preferences of defense. Please explain
22 why continuance is needed and why excludable
23 time should be found. If no excludable time finding
24 is requested, please include a speedy trial calculation
25 in your stipulation. Thank you.

7/24/12

Lucy H. Koh
U.S. District Judge